

CHAPTER 1
ADMINISTRATIVE AND REGULATORY
AUTHORITY

[Prior to 8/26/87, Nursing Board[590] Ch 1]

655—1.1(17A,147,152) Definitions for purposes of nursing board.

“Agency” or “board” means the Iowa board of nursing.

“Board office” means the office of the Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685.

“Department” means the department of public health.

“License” means a certificate issued to a person to practice as a registered nurse, licensed practical nurse, or advanced registered nurse practitioner under the laws of this state.

“Licensee” means a person who has been issued a certificate to practice as a registered nurse, licensed practical nurse, or advanced registered nurse practitioner under the laws of this state.

“Other states” means any of the United States, District of Columbia, or territories that have jurisdiction over the practice of nursing within their boundaries.

655—1.2(17A,147,152) Severability. Should any rule, paragraph, phrase, sentence, or clause of any chapter of the rules of the board of nursing be declared invalid or unconstitutional for any reason, the remainder of the rules shall not be affected thereby.

655—1.3(17A,147,152) Description and organization of the board.

1.3(1) Description of the board. The board derives its legal authority for regulating and enforcing regulations for nursing education, nursing practice and continuing education for nurses under the provisions of Iowa Code chapters 147, 147A, 152, 152E and 272C. The mission of the board is to protect the public health, safety and welfare by ensuring that nursing is practiced by at least minimally competent licensed individuals who practice within their authorized scope of practice.

1.3(2) Organization of the board and meetings. The composition of the board is defined in Iowa Code sections 147.14 and 147.19. The board shall:

a. At the last regularly scheduled meeting prior to May 1:

- (1) Elect a chairperson and secretary from its membership to begin serving as officers on May 1.
- (2) Establish standing committees and elect a chairperson for each committee.
- (3) Schedule regular meeting dates through the summer of the following year.
- (4) Hold regularly scheduled meetings in Des Moines, Iowa.

b. Hold special meetings called by the chairperson or upon request of four members of the board to the chairperson or executive director. Special meetings may be held by electronic means in accordance with Iowa Code section 21.8.

c. Make available to the public, the date, time, and location of board meetings.

d. Make available to the public, the date on which board materials are due in the board office for the agenda of regularly scheduled meetings. Materials received three weeks prior to a scheduled board meeting shall be placed on the agenda. Materials from emergency or unusual circumstances may be added to the agenda with the chairperson’s approval.

e. Allow members of the public to be present during board meetings unless the board votes to hold a closed session.

(1) Anyone who has submitted materials for the agenda or whose presence has been requested by the board will be given the opportunity to address the board.

(2) At every regularly scheduled board meeting, time will be designated for "Public Comment." During the time on the agenda labeled "Public Comment," anyone may speak for up to two minutes per person. Requests to speak at a later time for two minutes per person when a particular topic comes before the board should be made at the time of "Public Comment" and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted to public comment at any one time unless the chairperson indicates otherwise.

(3) One who has not asked to address the board during "Public Comment" may be recognized by the chairperson if one raises a hand. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

f. Hold a closed session if the board voted to do so in a public roll call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if less are present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. Minutes of all discussion, persons present, and action occurring at a closed session will be recorded along with a tape recording of the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

g. Govern its meetings in accordance with Iowa Code chapter 21 and its proceedings by "Robert's Rules of Order, Revised."

h. Appoint a full-time executive director who, under the direction of the board, is responsible for the administration of policies and programs of the board and for the operation of the board office. Appointment or termination of appointment of the executive director shall require a majority vote of the entire board.

i. Act on a petition for adoption of rules. Any person may request the promulgation, amendment, or repeal of a rule in accordance with Iowa Code section 17A.7 and 655—Chapter 8.

(1) to (4) Rescinded IAB 4/4/01, effective 5/9/01.

j. Adopt, amend, or repeal rules in accordance with Iowa Code sections 17A.3, 17A.4, 17A.5, 17A.6, and 17A.7.

1.3(3) Information. Members of the public may obtain information or submit requests to the board office that relate to regulating and enforcing regulations on nursing education, nursing practice, and continuing education for nurses. Requests for information resulting in legally binding answers require a petition for rule making or a petition for declaratory ruling. See 655—Chapter 8, "Petition for Rule Making"; 655—Chapter 9, "Declaratory Rulings"; and 655—Chapter 10, "Agency Procedure for Rule Making."

1.3(4) Petition for declaratory orders. Any person may petition the board for a declaratory order as to the applicability of statute, rule, policy statement, decision or order which is under the board's jurisdiction. The petition shall be submitted in writing to the board office and shall be in accordance with 655—Chapter 9.

a. to e. Rescinded IAB 4/4/01, effective 5/9/01.

1.3(5) Public hearings. Public hearings shall be held in accordance with Iowa Code section 17A.4, subsection 1, paragraphs "a" and "b," with respect to rule making and 655—Chapter 10.

a. to e. Rescinded IAB 4/4/01, effective 5/9/01.

1.3(6) Public records and rosters. Records and rosters shall be available to the public in accordance with Iowa Code chapter 22 and sections 147.8 and 147.43.

a. A request for a roster of licensees shall be submitted in writing to the board office. Upon receipt of a written request, the rules of the board that govern the purchase of the roster shall be sent. The rules shall be accompanied by a form to be signed by the purchaser which denotes that materials or publications shall not be published in any manner which could be construed by the public to mean that the board or any of its employees supports, endorses, approves, etc. the materials or publications to be disseminated.

(1) A fee shall be assessed the person requesting a roster based on the rate of charge set by the data processing division, office of state comptroller, state of Iowa.

(2) The fee assessed shall be paid directly to the board.

(3) The roster shall not be released until payment has been received.

b. The executive director may authorize the release of a roster of Iowa licensees without cost in the case of any emergency whereby the interest of the public warrants immediate access to health care personnel.

c. State agencies that request a roster of Iowa licensees will be billed directly from the data processing division, office of state comptroller, state of Iowa for this service.

These rules are intended to implement Iowa Code chapters 17A, 147, and 152.

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